

BOARD OF ZONING APPEALS
CITY OF MILWAUKEE

REGULAR MEETING – November 8, 2012
City Hall, Common Council Committee Room 301-B

MINUTES

PRESENT:

Chairwoman: Catherine M. Doyle (*voting on items 1 - 50*)

Members: Henry P. Szymanski (*voting on items 1 - 50*)
Donald Jackson (*voting on items 1 - 50*)
Martin E. Kohler (*voting on items 1 - 50*)
Jose L. Dominguez (*voting on items 1 - 50*)

Alt. Board Members: Leni M. Siker (*present for items 27 - 50*)

START TIME: 4:10 p.m.

End Time: 7:17 p.m.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
1	31889 Special Use	NU2U Appliances Lessee Request to occupy a portion of the premises as a second-hand sales facility.	5017 W. Capitol Dr. A/K/A 5007 W. Fond Du Lac Av. 7th Dist.
Action:		Dismissed	
Motion:		Donald Jackson moved to dismiss the appeal. Seconded by Henry Szymanski.	
Vote:		4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
Conditions of Approval:		--	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
2	31702 Dimensional Variance	Milwaukee Marine Company Horny Goat Hideway Brewing Company;Property Owner Request to erect an off-premise sign that exceeds the maximum allowed square footage (allowed 300 sq. ft. / proposed 1200 sq. ft.) that is located within 500 ft. of another sign .	1933 S. 1st St. 12th Dist.
	Action:	Dismissed	
	Motion:	Donald Jackson moved to dismiss the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	--	
3	31704 Dimensional Variance	Brew Haus LLC Horny Goat Hideaway Brewing Co.;Property Owner Request to erect an off-premise wall sign that is within the required distance between signs (required 200 ft. / proposed 0 ft.), without the minimum required setback (required 10 ft. / proposed 0 ft.), and does not meet the required height of a sign located near the public right-of-way (required 10 ft. / proposed 0 ft.).	2067 S. 1st St. 14th Dist.
	Action:	Dismissed	
	Motion:	Donald Jackson moved to dismiss the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	--	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
4	31951 Use Variance	Atlas Outdoor Media, LLC JoAnne Anton;Lessee Request to allow an off-premise sign.	2463 S. St Clair St. A/K/A 1210 E. Potter Av. 14th Dist.
	Action:	Dismissed	
	Motion:	Donald Jackson moved to dismiss the request. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	--	
5	31822 Special Use	Sonya Robinson Lessee Request to occupy a portion of the premises as a day care center for 50 children per shift infant to 12 years of age, operating Monday - Saturday 6:00 a.m. - midnight.	2129 W. North Av. A/K/A 2135 W. North Av. 15th Dist.
	Action:	Dismissed	
	Motion:	Donald Jackson moved to dismiss the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	--	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
6	32041 Special Use	<p>Child Genius Learning & Development Center, LLC Deonna Chambers;Lessee</p> <p>Request to continue occupying the premises as a 24 hour day care center for 92 children per shift, ages infant to 12 years of age, Monday - Sunday (this is a new operator).</p> <p>Action: Granted 5 yrs.</p> <p>Motion: Donald Jackson moved to grant the appeal. Seconded by Henry Szymanski.</p> <p>Vote: 4 Ayes, 0 Nays, 1 C. Doyle Abstained.</p> <p>Conditions of Approval:</p> <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 5. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M. 6. That the petitioner submit a copy of the State of Wisconsin day care license to the Board of Zoning Appeals within 60 days of State issuance of the license. 7. That the storefront windows remain as transparent glass per s295-605-2-i-3-c of the Milwaukee Code of Ordinances and are maintained in an attractive manner. 8. That a loading zone be obtained and maintained on W Villard Ave. 9. That the facility does not exceed a capacity of 64 children, or does not exceed the capacity established by the State Department of Children and Families if required to be less than 64 children. 10. That the petitioner obtains a new occupancy certificate to account for the increased number of children by having all required inspections, complies with current State commercial building code for institutional occupancies and complies with all zoning conditions and building code requirements prior to occupancy. 11. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. 	<p>3532 W. Villard Av. A/K/A 5208 N. 36th St. 1st Dist.</p>

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
7	31979 Special Use/ Dimensional Variance	<p>Jimmy Fisher II Lessee</p> <p>Request to continue occupying the premises as a religious assembly hall that does not meet the minimum required parking (required 10 / proposed 4).</p>	<p>6619 W. Capitol Dr. A/K/A 6617 W. Capitol Dr. 2nd Dist.</p>
	Action:	Granted 10 yrs.	
	Motion:	Donald Jackson moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code.</p> <p>5. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Assembly A-3 occupancies and complies with all zoning conditions and building code requirements prior to occupancy.</p> <p>6. That this Special Use and this Variance are granted for a period of ten (10) years, commencing with the date hereof.</p>	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
8	32066 Special Use	Hazim M Farah Property Owner	7210 W. Capitol Dr. 2nd Dist.
		Request to continue occupying the premises as a motor vehicle sales and repair facility.	
	Action:	Granted 5 yrs.	
	Motion:	Donald Jackson moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 5. That site illumination must meet the lighting standards of s.295-409 of the Milwaukee Zoning Code. 6. That all repair work is conducted inside of the building. 7. That the petitioner shall maintain landscaping and screening in accordance with the landscape plan submitted to the Board of Zoning Appeals on october 14, 2008. 8. That all installation and testing audio equipment and alarm systems must be conducted inside the building with overhead doors closed and at minimum amplification, and that customers are not permitted to test alarms or audio equipment on-site unless the tests are conducted inside the building with the doors closed and at minimum amplification. 9. That driveways are not blocked by parked vehicles. Any driveways blocked by parked vehicles constitute unused driveways and must be closed. 10. That unused driveways be removed and restored to City of Milwaukee specifications. 11. That no work or storage of vehicles occurs in the public right-of-way. 12. That no sales vehicles are displayed in the public right-of-way. 13. That the applicant has no outdoor storage of auto parts, tires, nuisance vehicles or other junk and debris. 14. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit. 15. That signs are posted in the parking lot stating that testing of audio and electronic equipment is not permitted in the parking lot. 16. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
9	32089 Special Use	Teen Challenge International Milwaukee Property Owner Request to continue occupying the premises as a rooming house for 54 occupants .	9222 W. Appleton Av. A/K/A 5281 N. 91st St. 2nd Dist.
	Action:	Granted 10 yrs.	
	Motion:	Donald Jackson moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.</p> <p>5. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</p>	

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10	32090 Special Use	Teen Challenge International Milwaukee Property Owner Request to continue occupying the premises as a motor vehicle sales, repair, and wholesale facility.	9246 W. Appleton Av. 2nd Dist.
	Action:	Granted 10 yrs.	
	Motion:	Donald Jackson moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 5. That all automobile repair & detailing work take place inside the building 6. That there is no outdoor storage of auto parts, tires, nuisance vehicles or other junk and debris. 7. That no work or storage of vehicles occurs in the public right-of-way. 8. That no sales vehicles are displayed in the public right-of-way. 9. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit. 10. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	

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11	32093 Special Use	AT&T Lessee	5310 W. Capitol Dr. A/K/A 4051 N. 53rd St. 2nd Dist.
		Request to continue to allow a transmission tower on the premises.	
	Action:	Granted 10 yrs.	
	Motion:	Donald Jackson moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That an American flag of significant size is regularly flown from the flag pole.</p> <p>5. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</p>	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
12	32063 Special Use	Stein's Jewelers, LLC Lessee Request to continue occupying a portion of the premises as a second-hand sales facility and pawn shop.	715 W. Wisconsin Av. A/K/A 721 W. Wisconsin Av. 4th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Donald Jackson moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s295-705-7 of the Milwaukee Zoning Code. 5. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
13	31611 Special Use	<p>Pastor West Hawkins Lessee</p> <p>Request to continue occupying a portion of the premises as a religious assembly hall.</p> <p>Action: Granted 5 yrs.</p> <p>Motion: Donald Jackson moved to grant the appeal. Seconded by Henry Szymanski.</p> <p>Vote: 4 Ayes, 0 Nays, 1 C. Doyle Abstained.</p> <p>Conditions of Approval:</p> <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 5. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. 	<p>3752 N. Teutonia Av. A/K/A 3746 N. Teutonia Av. 6th Dist.</p>
14	32036 Special Use	<p>Lakeia Jones Property Owner</p> <p>Request to occupy the premises as a social service facility.</p> <p>Action: Adjourned</p> <p>Motion: This matter was adjourned at the request of an interested party and will be rescheduled for the next available hearing.</p> <p>Vote: --</p> <p>Conditions of Approval: --</p>	<p>4001 W. Capitol Dr. 7th Dist.</p>

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
15	32087 Special Use	Judith Jackson Property Owner	3924 W. Fond Du Lac Av. 7th Dist.
		Request to continue occupying the premises as a day care center for 29 children per shift infant to 12 years of age, operating Monday - Friday 6:00 a.m. - 6:00 p.m.	
	Action:	Granted 10 yrs.	
	Motion:	Donald Jackson moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code.</p> <p>5. That the outdoor play area is not utilized before 9:00 A.M.</p> <p>6. That the petitioner submit a copy of the State of Wisconsin day care license to the Board of Zoning Appeals within 60 days of Board approval of the special use.</p> <p>7. That a contact name and phone number be provided to the Board office within ten days of the issuance of this written decision. The phone number must be available 24 hours a day.</p> <p>8. That the storefront windows remain as transparent glass per s295-605-2-i-3-c of the Milwaukee Code of Ordinances and are maintained in an attractive manner.</p> <p>9. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Institutional I-4 occupancies and complies with all zoning conditions and building code requirements prior to occupancy.</p> <p>10. That the facility does not exceed a capacity of 29 children, or does not exceed the capacity established by the State Department of Children and Families if required to be less than 29 children.</p> <p>11. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</p>	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
16	32104 Special Use	<p>Marilyn Barton Lessee</p> <p>Request to increase the hours of operation from 24 hours Monday - Friday to 24 hours Monday - Sunday and to continue occupying the premises as a day care center for 38 children per shift infant to 12 years of age.</p> <p>Action: Granted 5 yrs.</p> <p>Motion: Donald Jackson moved to grant the appeal. Seconded by Henry Szymanski.</p> <p>Vote: 4 Ayes, 0 Nays, 1 C. Doyle Abstained.</p> <p>Conditions of Approval:</p> <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 5. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M. 6. That the petitioner submit a copy of the State of Wisconsin day care license to the Board of Zoning Appeals within 60 days of Board approval of the special use. 7. That the storefront windows remain as transparent glass per s295-605-2-i-3-c of the Milwaukee Code of Ordinances and are maintained in an attractive manner. 8. That a loading zone be obtained and maintained on W Center St. 9. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Institutional I-4 occupancies and complies with all zoning conditions and building code requirements prior to occupancy. 10. That the facility does not exceed a capacity of 38 children, or does not exceed the capacity established by the State Department of Children and Families if required to be less than 38 children. 11. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. 	<p>4322 W. Center St. A/K/A 4326 W. Center St. 7th Dist.</p>

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
17	32088 Dimensional Variance	Milwaukee County Parks James Keegan;Property Owner Request to erect a fence that exceeds the maximum allowed height (allowed 6 ft. / proposed 8 ft.).	524 S. Layton Bl. A/K/A 2612 W. Pierce St. 8th Dist.
	Action:	Granted	
	Motion:	Donald Jackson moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That this Variance be granted to run with the land. 	

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18	32073 Special Use	Arkadiy Tsirlin Property Owner	5200 W. Mill Rd. 9th Dist.
		Request to continue occupying the premises as a motor vehicle repair and sales facility.	
	Action:	Granted 5 yrs.	
	Motion:	Donald Jackson moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That site illumination must meet the lighting standards of s.295-409 of the Milwaukee Zoning Code. 5. That signage meet the sign standards of s.295-605 of the Milwaukee Zoning Code 6. That landscaping and screening is maintained in a manner that meets the intent of city code. 7. That no work or storage of vehicles occurs in the public right-of-way. 8. That no sales vehicles are displayed in the public right-of-way. 9. That the applicant has no outdoor storage of auto parts, tires, nuisance vehicles or other junk and debris. 10. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit. 11. That all repair work is conducted inside the building. 12. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
19	32074 Special Use	Inderjeet Singh Property Owner	5909 W. Good Hope Rd. 9th Dist.
		Request to continue occupying the premises as a motor vehicle filling station.	
	Action:	Granted 10 yrs.	
	Motion:	Donald Jackson moved to grant the appeal. Seconded by Martin Kohler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That site illumination must meet the lighting standards of s.295-409 of the Milwaukee Zoning Code.</p> <p>5. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code.</p> <p>6. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.</p> <p>7. That glass tubes (i.e. type associated with individually sold flowers) and any other item deemed to be drug paraphernalia as defined by S.106-36 of the Milwaukee Code of Ordinances or Section 961.571 of the Wisconsin State Statutes not be sold on the premises.</p> <p>8. That the petitioner shall implement and maintain landscaping and screening in accordance with the landscape plan submitted to the Board of Zoning Appeals on April 14, 2003. Specifically, that the petitioner plant additional trees and shrubs and replace dying shrubs in order to be in compliance with the landscape plan.</p> <p>9. That the applicant does not have outdoor storage or display of products or merchandise.</p> <p>10. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit.</p> <p>11. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</p>	

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20	32096 Special Use	Albert M Holmes Lessee	7120 W. Good Hope Rd. 9th Dist.
		Request to occupy the premises as a social service facility.	
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of the Alderman of the District and will be rescheduled for the next available public hearing.	
	Vote:	--	
	Conditions of Approval:	--	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
21	32076 Special Use	<p>Kamesha Lewis Patrice Dickerson; Lessee</p> <p>Request to continue occupying the premises as a day care center for 60 children per shift infant to 12 years of age, operating Monday - Friday 6:00 a.m. - 11:30 p.m.</p>	<p>6140 N. 60th St. A/K/A 5910 W. Douglas Av. 9th Dist.</p>
	Action:	Granted 10 yrs.	
	Motion:	Donald Jackson moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That a contact name and phone number be provided to the Board office within ten days of the issuance of this written decision. The phone number must be available 24 hours a day.</p> <p>5. That the petitioner submit a copy of the State of Wisconsin day care license to the Board of Zoning Appeals within 60 days of Board approval of the special use.</p> <p>6. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code.</p> <p>7. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Institutional I-4 occupancies and complies with all zoning conditions and building code requirements.</p> <p>8. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</p>	

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22	32077 Dimensional Variance	J Johnson Holdings LLC Property Owner Request to reconstruct a parking lot that does not meet the minimum required landscaping.	7915 N. 81st St. A/K/A 7901 N. 81st St. 9th Dist.
	Action:	Granted	
	Motion:	Donald Jackson moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That these Variances are granted to run with the land. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
23	32080 Dimensional Variance	Mill Valley Recycling, LLC Property Owner Request to continue to allow an 8 foot solid fence that does not meet the minimum required landscaping buffer (required 5 ft. / proposed 0 ft.).	125 E. Mineral St. 12th Dist.
	Action:	Granted 15 yrs.	
	Motion:	Donald Jackson moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That landscaping and screening is maintained in a manner that meets the intent of city code. 5. That stockpile hights are in compliance with s295-805-4-h-2 of the Milwaukee Code of ordinances. 6. That this Variance is granted for a period of fifteen (15) years, commencing with the date hereof.	
24	32092 Special Use	Ernesto De Leon Lessee Request to occupy a portion of the premises as a second-hand sales facility.	1009 W. Historic Mitchell St. A/K/A 1007 W. Historic Mitchell St. 12th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of an interested party and will be rescheduled for the next available hearing.	
	Vote:	--	
	Conditions of Approval:	--	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
25	32033 Use Variance	Theodore F. Dragotta Theresa M. Dragotta;Lessee Request to continue occupying the premises as a motor vehicle outdoor storage facility.	4810 S. 13th St. A/K/A 4816 S. 13th St. 13th Dist.
	Action:	Granted 5 yrs.	
	Motion:	Donald Jackson moved to grant the appeal. Seconded by henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That the petitioner shall implement and maintain landscaping and screening in accordance with the landscape plan submitted to the Board of Zoning Appeals on October 22,2010. Specifically, that the petitioner plant additional trees and shrubs and replace dying shrubs in order to be in compliance with the landscape plan.</p> <p>5. That the applicant has no outdoor storage of auto parts, tires, nuisance vehicles or other junk and debris.</p> <p>6. That this Variance is granted for a period of five (5) years, commencing with the date hereof.</p>	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
26	32095 Special Use/ Dimensional Variance	<p>Bridgeman Foods II, Inc. Paul S. Thompson; Lessee</p> <p>Request to continue occupying the premises as a fast-food / carry-out restaurant that exceeds the maximum allowed front setback (allowed 0 ft. / proposed 23.12 ft.).</p>	<p>4601 W. North Av. A/K/A 2249 N. 46th St. 15th Dist.</p>
	Action:	Granted 10 yrs.	
	Motion:	Donald Jackson moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That site illumination must meet the lighting standards of s.295-409 of the Milwaukee Zoning Code.</p> <p>5. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.</p> <p>6. That this use not operate between the hours of Midnight and 5:00 A.M. unless a 24-hour establishment license is obtained from the Common Council of the City of Milwaukee per s. 84-7 of the Milwaukee code of ordinances.</p> <p>7. That no additional signage may be erected on the site unless it meets the signage standards of s.295-605 of the Milwaukee Zoning Code.</p> <p>8. That landscaping and screening is maintained in a manner that meets the intent of city code.</p> <p>9. That this Variance be granted to run with the land.</p> <p>10. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</p>	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
27	31865 Special Use	Sara Mahmud Property Owner	3727 W. Galena St. A/K/A 3727 A W. Galena St. 15th Dist.
		Request to occupy the premises as a general retail establishment.	
	Action:	Granted 1 yr.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 0 Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.</p> <p>5. That glass tubes (i.e. type associated with individually sold flowers) and any other item deemed to be drug paraphernalia as defined by S.106-36 of the Milwaukee Code of Ordinances or Section 961.571 of the Wisconsin State Statutes not be sold on the premises</p> <p>6. That signage must meet the signage standards of s.295-505-5 of the Milwaukee Zoning Code.</p> <p>7. That the storefront window remain as transparent glass per s295-605-2-i-3-c of the Milwaukee Code of Ordinances and are maintained in an attractive manner.</p> <p>8. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Mercantile occupancies and complies with all zoning conditions and building code requirements prior to occupancy.</p> <p>9. That the defective parking surface at the rear of the property be repaired in a workmanlike manner within 6 months of the Board's decision.</p> <p>10. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit.</p> <p>11. That the front facade of the building be finished with approved exterior finish materials.</p> <p>12. That this Special Use is granted for a period of one (1) year, commencing with the date hereof.</p>	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
28	32019 Special Use	Dantae White Lessee Request to occupy the premises as a motor vehicle sales facility. Action: Granted 1 yrs. Motion: Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson. Vote: 4 Ayes, 0 Nays, 1 C. Doyle Abstained. Conditions of Approval:	6502 W. Fond Du Lac Av. 2nd Dist.
		<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That site illumination must meet the lighting standards of s.295-409 of the Milwaukee Zoning Code. Specifically that illumination not exceed one (1) foot-candle along any property line that abuts a residential zoning district and not exceed five (5) foot-candles along any other property line. 5. That the petitioner shall implement and maintain landscaping and screening in accordance with the landscape plan submitted to the Board of Zoning Appeals on August 14, 2012. Specifically that the petitioner plant additional shrubs and replace dying & missing shrubs in order to be in compliance with the landscape plan. 6. That freestanding signage is limited to the existing pylon sign panel, that the size of said panel is not expanded, that the message board panel on said sign structure is removed, and that all other signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 7. That no work or storage of vehicles occurs in the public right-of-way. 8. That no sales vehicles are displayed in the public right-of-way. 9. That a Special Privilege be obtained from the City of Milwaukee Common Council to allow the raised planter to occupy the public right-of-way. 10. That there be no use of the alley to access or exit the site. 11. That driveways are not blocked by parked vehicles. Any driveways blocked by parked vehicles constitute unused driveways and must be closed. 12. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Mercantile - M occupancies and complies with all zoning conditions and building code requirements prior to occupancy. 13. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit. 14. That this Special Use is granted for a period of one (1) year, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
29	31961 Use Variance	Zeta Zeta Chapter of Tau Kappa Epsilon Fraternity Property Owner Request to continue occupying the premises as a fraternity.	3321 N. Oakland Av. 3rd Dist.
	Action:	Granted 3 yrs.	
	Motion:	Donald Jackson moved to grant the appeal. Seconded by Jose Dominguez.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary. 5. That the number of parked cars on site are limited to three (3). 6. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary. 7. That the applicant submit a contact name and number that can be directly reached 24 hours a day and 7 days a week to all interested parties, including but not limited to, the Alderman of the District, the Board of Zoning Appeals, and the Department of Neighborhood Services. 8. That this Variance is granted for a period of three (3) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
30	32050 Dimensional Variance	Robert Frediani Property Owner Request to construct a detached garage that does not meet the minimum required side setback (required 1.5 ft. / proposed 0 ft.). Action: Granted 20 yrs. Motion: Henry Szymanski moved to grant the appeal. Seconded by Jose Dominguez. Vote: 4 Ayes, 0 Nays, 1 C. Doyle Abstained. Conditions of Approval: 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the applicant submit a copy of the easement once filed with the Milwaukee County Register of Deeds. 5. That this Special Use is granted to run concurrent with the proposed easement or for a period of twenty (20) years, commencing with the date hereof, whichever is less.	2952 N. Summit Av. 3rd Dist.
31	31964 Special Use	Kabir Hussain Aiman Food Inc.;Property Owner Request to continue occupying the premises as a motor vehicle filling station. Action: Adjourned Motion: Donald Jackson moved to adjourn the matter. Seconded by Henry Szymanski. Vote: 4 Ayes, 0 Nays, 1 C. Doyle Abstained. Conditions of Approval: --	9109 W. Burleigh St. A/K/A 9101 W. Burleigh St. 5th Dist.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
32	32012 Use Variance	Northwest Lutheran School Richard Laabs;Property Owner	4119 N. 81st St. 5th Dist.
		Request to erect an automatic changeable message sign.	
	Action:	Granted	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Martin Kohler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That this Variance be granted to run with the land. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
33	32026 Special Use	<p>Marilyn Kern Linda Griffin; Lessee</p> <p>Request to increase the number of children from 75 to 95 per shift and to continue occupying the premises as a day care center for children infant to 12 years of age, operating Monday - Friday 6:00 a.m. - 9:00 p.m.</p> <p>Action: Granted</p> <p>Motion: Henry Szymanski moved to grant the appeal. Seconded by Jose Dominguez.</p> <p>Vote: 4 Ayes, 0 Nays, 1 C. Doyle Abstained.</p> <p>Conditions of Approval:</p> <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 5. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M. 6. That the petitioner submit a copy of the State of Wisconsin day care license to the Board of Zoning Appeals within 60 days of State issuance of the license. 7. That the storefront windows remain as transparent glass per s295-605-2-i-3-c of the Milwaukee Code of Ordinances and are maintained in an attractive manner. 8. That a loading zone be obtained and maintained on West Burleigh Street. 9. That the petitioner obtains a new occupancy certificate to account for the increased number of children by having all required inspections, complies with current State commercial building code for institutional occupancies and complies with all zoning conditions and building code requirements prior to occupancy. 10. That the facility does not exceed a capacity of 95 children, or does not exceed the capacity established by the State Department of Children and Families if required to be less than 95 children. 11. That this Special Use is granted for a period of time commencing with the date hereof, and expiring on February 28, 2015. 	<p>7935 W. Burleigh St. A/K/A 7931 W. Burleigh St. 5th Dist.</p>

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
34	32053 Special Use	John & Paolee Vang Lessee Request to continue occupying the premises as a day care center for 55 children per shift, infant to 12 years of age, operating Monday - Friday 6:00 a.m. - 11:00 p.m. and Saturday 8:00 a.m - 4:00 p.m. .	4701 N. 76th St. A/K/A 4701 N. 76th St. 201 5th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of the Alderman of the District and will be rescheduled for the next available hearing.	
	Vote:	--	
	Conditions of Approval:	--	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
35	31989 Special Use	Danielle Jones Lessee Request to increase the number of children from 45 to 54 per shift and to increase the hours of operation from Monday - Friday 6:00 a.m. - midnight to Monday - Sunday 6:00 a.m. - midnight and to continue occupying the premises as a day care center for children infant to 12 years of age.	3414 N. Port Washington Av. A/K/A 3420 N. Port Washington Av. 6th Dist.
	Action:	Granted	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Martin Kohler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 5. That the outdoor play area is not utilized before 9:00 A.M. or after 8 P.M. 6. That the petitioner submit a copy of the State of Wisconsin day care license to the Board of Zoning Appeals within 60 days of State issuance of the license. 7. That a loading zone be obtained and maintained on Port Washington Avenue. 8. That the petitioner provides the Department of Neighborhood Services a scaled and dimensioned floor plan of the school that identifies the intended use and capacity of each room. 9. That the petitioner obtains a new occupancy certificate to account for the increased number of children by having all required inspections, complies with current State commercial building code for institutional occupancies and complies with all zoning conditions and building code requirements prior to occupancy. 10. That the facility does not exceed a capacity of 54 children, or does not exceed the capacity established by the State Department of Children and Families if required to be less than 54 children. 11. That this Special Use is granted for a period of time commencing with 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
		the date hereof, and expiring on August 2, 2016.	
36	31991 Special Use	Tiffany Williams Lessee Request to occupy a portion of the premises as a day care center for 35 children per shift infant to 12 years of age, operating Monday - Saturday 5:00 a.m. - midnight.	2216 W. Hopkins St. A/K/A 2220 W. Hopkins St. 2 6th Dist.
	Action:	Granted 2 yrs.	
	Motion:	Henry Syzmanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 5. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M. 6. That the petitioner submit a copy of the State of Wisconsin day care license to the Board of Zoning Appeals within 60 days of State issuance of the license. 7. That a contact name and phone number be provided to the Board office within ten days of the issuance of this written decision. The phone number must be available 24 hours a day. 8. That the storefront windows remain as transparent glass per s295-605-2-i-3-c of the Milwaukee Code of Ordinances and are maintained in an attractive manner. 9. That a loading zone be obtained and maintained on West Hopkins Street. 10. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Institutional occupancies and complies with all zoning conditions and building code requirements prior to occupancy. 11. That the facility does not exceed a capacity of 35 children, or does not exceed the capacity established by the State Department of Children and Families if required to be less than 35 children 12. That this Special Use is granted for a period of two (2) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
37	32100 Special Use	Yellow Cab Cooperative Property Owner Request to occupy the premises as a ground transportation service.	1747 N. 6th St. A/K/A 600 W. Walnut St. LL 6th Dist.
	Action:	Granted 3 yrs.	
	Motion:	Donald Jackson moved to grant the appeal. Seconded by Martin Kohler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That within 60 days of Board approval of the special use the petitioner must meet with the Zoning Administration Group to create a landscape plan for the parking lot along the W. Vine St. frontage. The petitioner must then submit a landscape plan to the Board of Zoning Appeals for Zoning Administration Group review and approval prior to the issuance of any permits.</p> <p>5. That the landscaping along the parking lot's N. 6th St frontage be maintained in a manner that meets the intent of city code.</p> <p>6. That this Special Use is granted for a period of three (3) years, commencing with the date hereof.</p>	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
38	32052 Special Use	Shoua Lue Thao Lessee Request to occupy the premises as a motor vehicle repair facility.	7016 N. 76th St. A/K/A 7020 N. 76th St. 9th Dist.
	Action:	Granted	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Martin Kohler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-805 of the Milwaukee Zoning Code. 5. That landscaping is maintained in a manner that meets the intent of city code. 6. That no work or storage of vehicles occurs in the public right-of-way. 7. That the applicant has no outdoor storage of auto parts, tires, nuisance vehicles or other junk and debris. 8. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit. 9. That all repair work is conducted inside the building. 10. That all vehicles are parked on approved parking surfaces. 11. That this Special Use is granted for a period of time commencing with the date hereof, and expiring on October 14, 2015. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
39	32024 Special Use	Clifton Joseph Jr. True Vine M.B. Church;Prospective Buyer Request to occupy the premises as a religious assembly hall.	5820 W. Burleigh St. 10th Dist.
	Action:	Granted 5 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code.</p> <p>3. That the storefront windows remain as transparent glass in accordance with the glazing standards of s295-605-2-i-3 of the Milwaukee Code of Ordinances and are maintained in an attractive manner.</p> <p>4. That the existing Special Privilege from the City of Milwaukee Common Council be amended for change of ownership to continue to allow the covered walk to occupy the public right-of-way.</p> <p>5. That this Special Use is granted for a period of five (5) years, commencing with the date hereof.</p>	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
40	32059 Special Use	Latonya D Gatson Lessee Request to occupy the premises as a day care center for 75 children per shift infant to 12 years of age, operating Monday - Sunday 6:00 a.m. - 11:00 p.m..	5312 W. Burleigh St. A/K/A 5318 W. Burleigh St. 10th Dist.
	Action:	Granted 3 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Martin Kohler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 5. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M. 6. That the petitioner submit a copy of the State of Wisconsin day care license to the Board of Zoning Appeals within 60 days of State issuance of the license. 7. That a contact name and phone number be provided to the Board office within ten days of the issuance of this written decision. The phone number must be available 24 hours a day. 8. That the storefront windows remain as transparent glass per s295-605-2-i-3-c of the Milwaukee Code of Ordinances and are maintained in an attractive manner. 9. Prior to occupancy, a building code evaluation for change of use must be prepared by a Wisconsin-registered design professional, addressing each provision of the 2009 IEBC, as amended, pertaining to change of occupancy classification to higher hazard category. The evaluation must be submitted for plan review and permits obtained for any necessary alterations prior to occupancy. 10. That the facility does not exceed a capacity of 75 children, or does not exceed the capacity established by the State Department of Children and Families if required to be less than 75 children. 11. That this Special Use is granted for a period of three (3) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
41	32056 Dimensional Variance	Dave Renock Property Owner Request to construct a detached garage that exceeds the maximum allowed height (allowed 15 ft. / proposed 19 ft.). Action: Granted Motion: Henry Szymanski moved to grant the appeal. Seconded by Martin Kohler. Vote: 4 Ayes, 0 Nays, 1 C. Doyle Abstained. Conditions of Approval: 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That this Variance be granted to run with the land.	3849 S. 55th St. 11th Dist.
42	31986 Dimensional Variance	Javier Rodriguez Property Owner Request to allow a detached garage that exceeds the maximum allowed sidewall height (allowed 10 ft. / proposed 12 ft.). Action: Denied Motion: Donald Jackson moved to deny the appeal. Seconded by Henry Szymanski. Vote: 3 Ayes, 2 Nays, 0 Abstained. Conditions of Approval: --	1227 S. 14th St. 12th Dist.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
43	32068 Special Use	Robert Miranda Property Owner	611 W. National Av. A/K/A 611 W. National Av. 301 12th Dist.
		Request to occupy a portion of the premises as an assembly hall.	
	Action:	Granted 3 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Martin Kohler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.</p> <p>5. That the applicant supply a 24-hour contact phone number to the Board office and any interested party that requests it.</p> <p>6. That an employee and/or security personnel be on site during all events.</p> <p>7. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code.</p> <p>8. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Assembly A-2 occupancies and complies with all zoning conditions and building code requirements prior to occupancy.</p> <p>9. That this Special Use is granted for a period of three (3) years, commencing with the date hereof.</p>	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
44	32079 Special Use	Serena I Ballman Property Owner Request to occupy the premises as a day care center for 20 children per shift infant to 5 years of age, operating Monday - Friday 6:00 a.m. - 6:00 p.m.	4170 S. Howell Av. A/K/A 4180 S. Howell Av. 13th Dist.
	Action:	Granted 3 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Jose Domeinguez.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 5. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M. 6. That the petitioner submit a copy of the State of Wisconsin day care license to the Board of Zoning Appeals within 60 days of State issuance of the license. 7. That a contact name and phone number be provided to the Board office within ten days of the issuance of this written decision. The phone number must be available 24 hours a day. 8. That the storefront windows remain as transparent glass per s295-605-2-i-3-c of the Milwaukee Code of Ordinances and are maintained in an attractive manner. 9. That the petitioner increase the size of the outdoor play area to meet the 750 sq. ft minimum area as mandated by the State of Wisconsin Dept of Children and Families. 10. That if the play area is not located on this parcel the petitioner must obtain a waiver from the State of Wisconsin Dept of Children and Families to locate the play area on an adjacent parcel. 11. That this Special Use is granted for a period of three (3) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
45	32107 Special Use	Joseph Huddleston Quick Finish Technologies;Lessee Request to occupy the premises as a motor vehicle repair facility and body shop.	1200 W. Mallory Av. A/K/A 5386 S. 13th St. 13th Dist.
	Action:	Granted 3 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Jose Dominguez.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-805 of the Milwaukee Zoning Code. 5. That all repair work is conducted inside the building. 6. That there is no outdoor storage of auto parts, tires, nuisance vehicles or other junk and debris. 7. That no work or storage of vehicles occurs in the public right-of-way. 8. That all vehicle painting must comply with requirements of Chapter 236 of the Milwaukee Code of Ordinances and no painting may be performed until a spray booth is installed under permit, inspected and approved. 9. That this Special Use is granted for a period of three (3) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
46	31975 Special Use	Shane Linskey Lessee Request to occupy a portion of the premises as a second-hand sales facility.	4202 S. Howell Av. A/K/A 4200 S. Howell Av. 13th Dist.
	Action:	Granted 2 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Martin Kohler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code.</p> <p>5. That the storefront windows remain as transparent vision glass and are maintained in an attractive manner.</p> <p>6. That the applicant does not have outdoor storage or display of products or merchandise.</p> <p>7. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit.</p> <p>8. That this Special Use is granted for a period of two (2) years, commencing with the date hereof.</p>	
47	32051 Special Use	Latasha Hines Adult Day Services of Wisconsin, LLC; Lessee Request to continue occupying the premises as an adult day care center.	206 E. Lincoln Av. A/K/A 210 E. Lincoln Av. 14th Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of the alderman and will be rescheduled at the next available hearing.	
	Vote:	--	
	Conditions of Approval:	--	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
48	32008 Special Use	Denita Sublett Property Owner Request to increase the number of children from 47 to 65 per shift and to continue occupying the premises as a day care center for children infant to 12 years of age, operating Monday - Friday 6:00 a.m. - 5:30 p.m.	934 W. Center St. A/K/A 936 W. Center St. 15th Dist.
	Action:	Adjourned	
	Motion:	Martin Kohler moved to adjourn the matter. Seconded by Jose Dominguez.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	--	
49	32091 Special Use	Bernadette Anderson Other Request to occupy the premises as a transitional living facility for 8 occupants.	4718 W. Garfield Av. 15th Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned by staff and will be rescheduled at the next available hearing.	
	Vote:	--	
	Conditions of Approval:	--	
50	32134 Other	WIS27, LLC Dennis Klein;Prospective Buyer Request to accept the modified site plan, landscape plan and building elevations dated October 19, 2012.	2601 W. Wisconsin Av. A/K/A 2616 W. Michigan St. 4th Dist.
	Action:	Granted	
	Motion:	Henry Szymanski moved to accept the modified plans for filing. Seconded by Martin Kohler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Doyle Abstained.	
	Conditions of Approval:	--	

<u>Item</u> <u>No.</u>	<u>Case No./</u> <u>Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
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Other Business:

Board member Henry Szymanski moved to approve the minutes of the October 11, 2012 meeting. Seconded by Board member Martin Kohler. Unanimously approved.

The Board set the next meeting for December 13, 2012.

Board member Henry Szymanski moved to adjourn the meeting at 7:17 p.m.. Seconded by Board member Donald Jackson. Unanimously approved.

BOARD OF ZONING APPEALS

Secretary of the Board

<u>Item</u> <u>No.</u>	<u>Case No./</u> <u>Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
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